

Message Text

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TO AMEMBASSY SOFIA

C O N F I D E N T I A L STATE 053233

E.O. 11652: GDS

TAGS:SHUM, CGEN, PFOR, BU (KHRISTOV, LYUBOMIR)

SUBJECT: KHRISTOV CASE

REFERENCE: (A) SOFIA 0409; (B) 76 STATE 310642

1. IN LINE WITH EMBASSY'S CONCERNS EXPRESSED IN REF(A),
EUR/EE DEPUTY DIRECTOR SCHMIDT CALLED IN BULGARIAN DCM
KONSTANTINOV ON MARCH 7 TO DISCUSS KHRISTOV CASE. SCHMIDT
MADE THE FOLLOWING POINTS:

(A) WE ARE TROUBLED BY REFERENCES TO KHRISTOV CASE MADE
DURING RECENT DISCUSSIONS BY VARIOUS GOB OFFICIALS, WHICH
APPEAR TO BE ATTEMPT TO CREATE LINK BETWEEN THIS MATTER
AND OTHER CASES OF HUMANITARIAN CONCERN, SUCH AS DIVIDED
FAMILIES.

(B) IF GOB IS INTERESTED IN PURSUING THIS CASE ON ITS OWN
MERITS, WE HAVE BEEN AND REMAIN WILLING TO FACILITATE A
MEETING BETWEEN THE KHRISTOV BOY AND A BULGARIAN EMBASSY
OFFICER. IT SHOULD BE REALIZED, HOWEVER, THAT ROLE OF
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STATE DEPARTMENT AND FEDERAL GOVERNMENT AS A WHOLE IN SUCH
MATTERS IS VERY LIMITED INDEED. AS EXPLAINED BEFORE,
JURISDICTION FOR CASES INVOLVING CUSTODY OF CHILDREN RESTS
WITH STATE AND LOCAL AUTHORITIES. ALL THAT STATE DEPART-

MENT CAN DO IS TO FACILITATE CONTACT BETWEEN REPRESENTA-
TIVES OF THE FOREIGN GOVERNMENT AND THE CHILD IN QUESTION.

(C) THERE ARE TWO WAYS IN WHICH A MEETING MIGHT BE ARRANGED. ON INFORMAL BASIS, DEPARTMENT COULD SEEK TO ARRANGE A MEETING THROUGH THE COURT-APPOINTED GUARDIAN; OR, ON FORMAL BASIS, BULGARIAN EMBASSY COULD REQUEST THAT COURT ARRANGE A MEETING. IF EMBASSY PROCEEDS IN THIS WAY, WE WOULD BE MOST READY AND WILLING TO INFORM COURT OF USG OBLIGATION, UNDER US-BULGARIAN CONSULAR CONVENTION, TO PERMIT EMBASSY REPRESENTATIVE TO COMMUNICATE WITH BULGARIAN CITIZENS IN THIS COUNTRY.

(D) WE CANNOT GUARANTEE THAT EITHER APPROACH WOULD RESULT IN MEETING SINCE IT IS POSSIBLE THAT KHRISTOV BOY MIGHT CHOOSE NOT TO DO SO, AS HE HAD ONCE BEFORE. WE ASSUME THAT GUARDIAN AND/OR COURT WOULD RESPECT HIS WISHES. HOWEVER, WE WOULD HOPE THAT SUCH A MEETING COULD BE ARRANGED, IF THE BULGARIAN GOVERNMENT WANTED TO DO SO, AND THE DEPARTMENT WOULD DO ITS UTMOST IN THAT REGARD.

(E) IS BULGARIAN GOVERNMENT, IN FACT, INTERESTED IN HAVING SUCH A MEETING? IF IT DOES NOT INTEND TO PURSUE CASE, WE CAN NOT UNDERSTAND CONTINUED REFERENCES TO IT EXCEPT AS AN EFFORT TO LINK IT WITH OTHER CASES, E.G., MAREV CASE.

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2. SCHMIDT ALSO NOTED THAT, IF BULGARIAN GOVERNMENT WISHED TO MEET WITH KHRISTOV BOY, HE BELIEVED IT WOULD BE PREFERABLE TO SEEK MEETING VIA INFORMAL ROUTE RATHER THAN THROUGH REQUEST TO COURT. (FYI. WE HAD SOUNDED OUT GUAR-

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DIAN BEFOREHAND CONCERNING POSSIBILITY OF MEETING, EXPLAINING DESIRABILITY OF RESPONDING POSITIVELY TO BULGARIAN REQUEST, IN PART IN TERMS OF OTHER PENDING CASES. GUARDIAN SAID HE THOUGHT THAT KHRISTOV BOY WOULD "GO ALONG", WITH SUCH A MEETING, IF GUARDIAN WERE TO RECOMMEND IT. END FYI)

3. KONSTANTINOV RESPONDED WITH BRIEF ACCOUNT OF BULGARIAN AUTHORITIES' INABILITY TO UNDERSTAND THE COURT'S DECISION TO KEEP KHRISTOV BOY FROM REJOINING HIS RELATIVES IN BULGARIA. HE ALSO EXPRESSED A PREFERENCE FOR THE INFORMAL APPROACH TO ARRANGING A MEETING WITH THE BOY, IF IT CAME TO THAT POINT. HE AGREED TO REPORT OUR VIEWS TO THE MFA, WITH REQUEST FOR APPROPRIATE CLARIFICATION REGARDING MEETING WITH BOY.

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